

**Amendment and Response Under 37 C.F.R. §1.116 - Expedited Examining Procedure**

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Serial No.: 09/640,952

Confirmation No.: 3252

Filed: 17 August 2000

For: EPHA2 AS A DIAGNOSTIC TARGET FOR METASTATIC CANCER (As Amended)**Remarks**

The Office Action mailed 17 June 2005 has been received and reviewed. Please cancel claim 69, without prejudice. Claims 69 having been cancelled, the pending claims are claims 1, 3-13, 21, 23, 24, 33, 36, 37, 41-47, 49-56, 59-68, 72, 73, 75-81 and 90-101.

**The 35 U.S.C. §103(a) Rejection**

The Examiner rejected claim 69 under 35 U.S.C. §103 as being unpatentable over Easty et al. (International Journal of Cancer, 1995, vol. 60, pp. 129-136) and the abstract of Chen et al. (Journal of Biological Chemistry, 1998, vol. 273, pp. 24670-24675) in view of Easty et al. (International Journal of Cancer, 1997, vol. 71, pp. 1061-1065).

This rejection is respectfully traversed for at least the reasons stated in the Amendment filed 15 March 2005. However, solely to further prosecution of the instant application, claim 69 is cancelled, rendering the rejection moot.

Reconsideration and withdrawal of the rejection of claim 69 as being unpatentable over Easty et al. and Chen et al. in view of Easty et al. is accordingly, requested.

**Allowed Claims**

The applicant acknowledges, with appreciation, the allowance of claims 1, 3-13, 21, 23, 24, 33, 36, 37, 41-47, 49-56, 59-68, 72, 73, 75-81 and 90-101.

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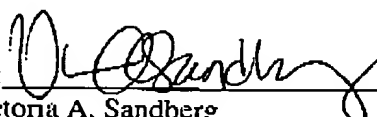
For: EPHA2 AS A DIAGNOSTIC TARGET FOR METASTATIC CANCER (As Amended)**Summary**

The pending claims 1, 3-13, 21, 23, 24, 33, 36, 37, 41-47, 49-56, 59-68, 72, 73, 75-81 and 90-101 having been deemed allowable by the Examiner, notification of allowance of the instant application is respectfully requested. The Examiner is invited to contact Applicants' Representatives, at the below-listed telephone number, if it is believed that prosecution of this application may be assisted thereby.

Respectfully submitted for  
Purdue Research Foundation


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**CERTIFICATE UNDER 37 CFR §1.8:**

The undersigned hereby certifies that the Transmittal Letter and the paper(s), as described hereinabove, are being transmitted by facsimile in accordance with 37 CFR §1.6(d) to the Patent and Trademark Office, addressed to Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 15<sup>th</sup> day of August, 2005, at 3:30pm (Central Time).

By:   
Name: JACQUELYN K TORBERG